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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
AFFEICATION NO.	TILING DATE	TIKST NAMED IN VENTOR	ATTORNET BOCKET NO.	CONFIRMATION NO.
10/697,478	10/30/2003	Yung-Ming Huang	930074-2014	7415
20999	20999 7590 10/19/2004		EXAMINER	
	LAWRENCE & HAU VENUE- 10TH FL.	G	MAI, HUY KIM	
NEW YORK, NY 10151			ART UNIT	PAPER NUMBER
			2873	
			DATE MAILED: 10/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner	•	Application No.	Applicant(s)						
Huy K Mai	Office Action Summers	10/697,478	HUANG, YUNG-MING						
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editations of them may be realized under the growthm at 37 CPR 1.15(e), in no event, however, may a reply be timely filed  Editation of them may be realized under the growthm at 37 CPR 1.15(e), in no event, however, may a reply be timely filed  If the period for reply specified above is lies than thiny (30) days, a reply within the stability reply with the mailing date of this communication, if the period for reply specified above is lies than thiny (30) days with the considered intext, if the period for reply specified above is lies than thiny (30) days with the considered intext, if the period for reply will be stability period will be payed and will apple 30 (4) (6) (MOTHS from the mailing date of this communication, even if thiny filed, may refer a supply within the mailing date of this communication, even if this period is the supplication, and the period of the communication (5) filed on 30 October 2003.  Status  1) ■ Responsive to communication(s) filed on 30 October 2003.  2a) □ This action is FINAL.  2b) ■ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-2 is/are pending in the application, and of the above claim (s) is/are pending in the application, and of the above claim (s) is/are objected to.  3) □ Claim(s) 1-2 is/are rejected.  5) □ Claim(s) 1-2 is/are rejected.  5) □ Claim(s) 1-2 is/are rejected.  7) □ Claim(s) 1-2 is/are rejected to.  8) □ Claim(s) 1-2 is/are objected to by the Examiner.  10) □ The specification is objected to by the Examiner.  10) □ The specification is objected to by the Examiner.  10) □ The proving the proving the proving the pr	Unice Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Since Proceedings of the Communication of the processions of 37 CPR 1.38(a). In no event, however, may a reply to limity filled interesting to the procession of the communication of the communication. Procession of the procession of the communication, even if the communication of the communication of the communication, even if the communication of the communication of the communication, even if the communication of the communication of the communication, even if the communication of the communication, even if the communication of the commun									
THE MAILING DATE OF THIS COMMUNICATION.  Editations of the may be waited under the provisions of 3 CPR 1.136(a). In no event, however, may a teply be timely filed after 50 (c) ptxNT from the mailing date of this communication.  IND period for reply is specified under the provisions of 3 CPR 1.136(a). In no event, however, may a teply be timely filed after 50 (c) ptxNT from the mailing date of this communication.  Pallurs to reply under the near or extended ported of reply vell. by statute, cause the application to become ABANCONED (35 U.S.C. § 133). Any reply secreted by the Office due than three maining date of this communication, even if timely filed, may reduce any secured patient turn adjustment. See 37 CPR 1.174(b).  Status  1) □ Responsive to communication(s) filed on 30 October 2002  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-2 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) 1-2 is/are rejected.  7) □ Claim(s) 1-3 is/are rejected.  7) □ Claim(s) 1-3 is/are objected to.  8) □ Claim(s) 1-3 is/are objected to.  8) □ Claim(s) 1-3 is/are objected to.  8) □ Claim(s) 1-3 is/are objected to.  9) □ The drawing(s) filed on 30 October 2002 is/are: a ⊠ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The drawing(s) filed on 30 October 2002 is/are: a ⊠ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d).  11) □ Acknowledgment is made of a claim for foreign priority un	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
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#### **DETAILED ACTION**

#### Oath/Declaration

1. The declaration filed on Oct. 30, 2003 is acceptable.

## Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1,2,5,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ku (6,089,708).

The limitations in claim 1,2,5,6 are shown in Ku's Figs. 1-3, columns 2-3. Ku discloses an eyeglass assembly comprising a primary eyeglass unit 1 including two primary lenses 13, a bridge 12 having two opposite ends that are connected respectively and fixedly to said primary lenses, and a first magnet unit 121 fixed on said bridge 12; and an auxiliary eyeglass unit 2 including: two auxiliary lenses 21 disposed respectively in front of said primary lenses 13, a connecting member 22 connected fixedly to said auxiliary lenses 21, and a magnetic connector 3 connected pivotally to said connecting member 22 so as to permit an assembly of said connecting member 22 and said auxiliary lenses to turn upwardly relative to said primary eyeglass unit 1, said magnetic connector 3 including a fixed second magnet unit 311 attracted magnetically by said first magnet unit 121 of said primary eyeglass unit 1 such that said magnetic connector 3 is attached to said bridge 12 of said primary eyeglass unit.

### Claim Rejections - 35 USC § 103

Application/Control Number: 10/697,478

Art Unit: 2873

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the

manner in which the invention was made.

5. Claims 3,4,7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable is over Ku.

Regarding claim 3,7, Ku does not explicitly state the auxiliary lenses made of resin, however

such limitations are well known in the art of spectacles. A person having ordinary skill in the art

at the time the invention was made would have found it obvious to made the lenses of Ku by

resin.

Regarding claims 4,8, Ku discloses the two curved side rod portions connecting to the outer

peripheries of the auxiliary lenses wherein a portion of the curved side rod portion is abutting

against the outer periphery of the auxiliary lens instead of the curved side rod portion is abutting

against the outer periphery of the auxiliary lens as claimed by the applicant. Although Ku device

does not teach the exact the shape of the curved side rod portion is abutting against the outer

periphery as that claimed by applicant, the shape, size, dimension differences are considered

obvious choices and are not patentable unless unexpected results are obtained from these

changes. Therefore, it would have been obvious to a person having ordinary skill in this art to

modify the Ku reference by forming the curved side rod portion having the same shape as the

applicant's for abutting against the outer periphery of the lens. Such a modification would have

no functional differences from the Ku reference.

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Art Unit: 2873

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The

examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-1562.

Huy Mai

Primary Examiner

Art Unit 2873

ftunkMan

HKM/

October 17, 2004